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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,076	04/23/2001	Shimon Yanowitz	1749/3	9689

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EXAMINER

MACK, RICKY LEVERN

ART UNIT

PAPER NUMBER

2873

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/830,076	YANOWITZ, SHIMON
	Examiner	Art Unit
	Ricky L Mack	2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 January 2003.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-68 is/are pending in the application.

4a) Of the above claim(s) 43-51 and 55-68 is/are withdrawn from consideration.

5) Claim(s) 17-34 is/are allowed.

6) Claim(s) 1-5,7-10,35,37,39-42,53 and 54 is/are rejected.

7) Claim(s) 6,11-16,36,38,42 and 52 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 23 April 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: *Detailed Action* .

## **DETAILED ACTION**

### ***Drawings***

1. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Election/Restrictions***

2. Applicant's election without traverse of Group I, claims 1-42 and 52-54 in Paper No. 11 is acknowledged.

3. Claims 43-51 and 55-68 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 11.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

When the limitation of from claim 7 from which claim 8 depends is the synchronous rotation group, the limitations of claim 8 do not further limit. Also, when the limitation of from

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claim 7 from which claim 9 depends is the asynchronous rotation group, the limitations of claim 9 and 10 do not further limit.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 7, 35, 37, 39-41, 53 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakazawa et al. (JP 04021830).

Nakazawa discloses, as in claims 1-5, 7, 35, 37, 39-41, 53 and 54, a device with inherent method comprising steps of providing an optical rotation device (fig. 5; and figs. 4(a)-4(c), ref. nos. 402, 403) for rotating at least one optical part (405), which is considered to be a window (claim 4), by controlling the optical rotating device, thereby spreading and blurring about the rotation axis the optical defects and the deviations present in said at least one optical part of the optical device in real time (*implied by Abstract*) where the image blurring prevention is executed automatically. The remaining rejected features for which applicant claims appear to be inherent, such as the optical device exhibit properties selected from a group consisting of rotation invariance and rotation variance (claim 7), the rotation mode upon which the rotation device rotates being at least one of discontinuous rotation and continuous rotation (claim 39).

***Allowable Subject Matter***

8. Claims 17-34 are allowed.
9. Claims 6, 11-16, 36, 38, 42 and 52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
10. The following is an examiner's statement of reasons for allowability: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in claim(s) 6, 11-34, 36, 38, 42 and 52, wherein the claimed invention comprises aligning an optical axis of said at least one optical part of the optical device with a rotation axis of said at least one optical part of the optical device causing at least one part of the optical device to be circularly symmetric with respect to the rotation axis (claims 17-34), and the limitations recited by dependent claims 6, 11-16, 36, 38, 42 and 52 when combined with intervening claimed limitations render the prior art nonobvious. The combination of all the claimed features are not anticipated or made obvious by the prior art.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pittenger (4504110), Sigler (5610771), Sakagami et al. (5617159) and Kuno et al. (JP 09105973) are cited for disclosing optical devices comprising optical correction components, which involve rotation about an axis.

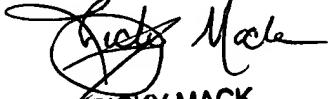
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky L Mack whose telephone number is (703) 305-6984. The examiner can normally be reached on Monday-Friday (6:30 AM to 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (703) 308-4883. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

RM  
April 5, 2003

  
RICKY MACK  
PRIMARY EXAMINER